

Message Text

CONFIDENTIAL

PAGE 01 STATE 181058

21

ORIGIN EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 IO-14 HEW-08 SPM-01 /124 R

DRAFTED BY EUR/CE:RWBECKER:GLRUECKERT:MMM

APPROVED BY EUR:JGLOWENSTEIN

EUR/CE:SGEORGE

L/EUR:DHSMALL

----- 100316

R 170050Z AUG 74

FM SECSTATE WASHDC

TO USMISSION BERLIN

INFO AMEMBASSY BONN

C O N F I D E N T I A L STATE 181058

E.O. 11652: GDS

TAGS: PFOR, PINT, WB, US, UK, FR, GW

SUBJECT: TAKEOVER OF FRG LAWS UNDER CONSTITUTIONAL COURT
REVIEW

REF: A) BERLIN 1161; B) STATE 149157; C) BERLIN 1136

1. WHILE THE SENAT'S ACTION IN REMOVING QUESTION OF TAKE-
OVER OF ABORTION LAW FROM HOUSE'S AGENDA UNTIL FRG SITUATION
CLARIFIED APPEARS DEFUSED QUESTION FOR TIME BEING, ISSUE
RAISED IN ABORTION CASE IS IMPORTANT ONE, AND WE BELIEVE
THAT ALLIES AND SENAT SHOULD REACH CLEAR AGREEMENT NOW
ABOUT HOW CASES OF THIS SORT ARE TO BE HANDLED. WE EN-
VISAGE NUMBER OF TOUCHY ISSUES SUCH AS MITBESTIMMUNG
AND VERMOEGNUNGSBILDUNG WHERE LAWS COULD SIMILARLY BE
BROUGHT TO FRG CONSTITUTIONAL COURT FOR REVIEW OF SELECTED
PORTIONS WHILE REMAINDER GOES INTO EFFECT. NONE OF
VARIOUS SOLUTIONS PROPOSED DURING DISCUSSION OF ABORTION
LAW WAS WHOLLY ACCEPTABLE TO ALL PARTIES CONCERNED AND
RENEWED EFFORT SHOULD BE MADE NOW, WHILE MATTER IS NOT
PRESSING, TO FIND BEST APPROACH MAINTAINING PRINCIPLE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 181058

OF LEGAL HARMONY WITHOUT IMPLYING THAT FRG CONSTITUTIONAL

COURT HAS COMPETENCE OR AUTHORITY IN WEST BERLIN TO WHICH
USG COULD NOT AGREE. WE RECOGNIZE THAT IN SOME CASES,
LANDESGESETZ APPROACH MAY BE ONLY FEASIBLE SOLUTION.

2. USBER ACCORDINGLY REQUESTED APPROACH OTHER MISSIONS
AND SEEK TO RAISE ISSUE WITH SENAT ASAP WITH AIM OF

REACHING FULL UNDERSTANDING ON THE COURSE OF ACTION TO
BE FOLLOWED IN CASES OF THIS SORT. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, CENTRAL LEGISLATURE, COURTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE181058
Document Source: CORE
Document Unique ID: 00
Drafter: RWBECKER:GLRUECKERT:MMM
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740227-0132
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740839/aaaabgvb.tel
Line Count: 70
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A) BERLIN 1161; B) STATE 149157; C), BERLIN 1136
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 13 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 MAY 2002 by garlanwa>; APPROVED <28 FEB 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TAKEOVER OF FRG LAWS UNDER CONSTITUTIONAL COURT REVIEW
TAGS: PFOR, PINT, WB, US, UK, FR, GE
To: BERLIN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005